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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,775	11/27/2000	Joseph Sirgedas		4902

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WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER
500 WEST MADISON STREET, SUITE 3800
CHICAGO, IL 60661

EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 04/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,775

Applicant(s)

SIRGEDAS, JOSEPH

Examiner

Lynne Edmondson

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-- Th MAILING DATE of this communication appears on th cover sheet with the correspond nce address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 6, 8-11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (GB 2126298 A).

Frederick teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 50) into the female element (pipe fitting 44), placing a ring of meltable material (54) around the male element at a first location (page 1 lines 89-108), heating the elements to melt the ring and sliding the material between the elements from a first location to a second location (figures 1-3 and page 1 lines 108-128). The joint solidifies on cooling. The ring surrounds the pipe forming a circle (360 degrees). The ring is not placed fully within the female element and abuts the free edge (46) of the female element (figure 3). See also Frederick claim 1.

2. Claims 1-3, 7, 9-11, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Overy (GB 2092692 A).

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Overy teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 1) into the female element (pipe fitting 2), placing a ring of meltable material (4) around the male element at a first location, heating the elements to melt the ring and sliding the material (by capillary action) between the elements from a first location to a second location. The joint solidifies on cooling (page 1, lines 79-108). The ring is a formed piece of solder wire with spaced ends (split ring, abstract). The ring is not placed fully within the female element and abuts the free edge (5) of the female element (figure 2). See also Overy claims 1-3.

3. Claims 1-3, 6, 8-11, 14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Conn et al. (USPN 5450666).

Conn teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 12) into the female element (pipe fitting 16), placing a ring of meltable solder (brazing) material (20) around the male element at a first location, heating the elements to melt the ring and sliding the material (by capillary action) between the elements from a first location to a second location (col 6 lines 9-36, col 9 lines 1-25 and figures 3-4). The joint solidifies on cooling. The ring is circular. The ring is not placed fully within the female element and abuts the free edge (22) of the female element (figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 12, 13, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Overy (GB 2092692 A).

Overy teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 1) into the female element (pipe fitting 2), placing a ring of meltable material (4) around the male element at a first location, heating the elements to melt the ring and sliding the material (by capillary action) between the elements from a first location to a second location. The joint solidifies on cooling (page 1, lines 79-108). The ring is a formed piece of solder wire with spaced ends (split ring, abstract). The ring is not placed fully within the female element and abuts the free edge (5) of the female element (figure 2). However, ring placement is not further disclosed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to place the split ring around the male element by either bending the solder wire around the male element into a split ring shape or directing the male element through the ring to facilitate formation of pipe joints (Overy, page 1 lines 1-5) in a simple, quick and reliable manner (Overy, page 1 lines 51-55).

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5. Claims 4, 5, 12-14, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederick (GB 2126298 A).

Frederick teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 50) into the female element (pipe fitting 44), placing a ring of meltable material (54) around the male element at a first location (page 1 lines 89-108), heating the elements to melt the ring and sliding the material between the elements from a first location to a second location (figures 1-3 and page 1 lines 108-128). The joint solidifies on cooling. The ring surrounds the pipe forming a circle (360 degrees). The ring is not placed fully within the female element and abuts the free edge (46) of the female element (figure 3). However, ring placement is not further disclosed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to place the ring around the male element by directing the male element through the ring to form a tight seal in a simple manner without comprising appearance (Frederick, page 1 lines 19-29).

6. Claims 4, 5, 12, 13, 16, 17, 19 and 20 are rejected under Conn et al. (USPN 5450666).

Conn teaches a method of forming a meltable material at joint between telescopingly engaged male and female elements, said method comprising the steps of directing the male element (pipe 12) into the female element (pipe fitting 16), placing a ring of meltable solder (braze) material (20) around the male element at a first location,

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heating the elements to melt the ring and sliding the material (by capillary action) between the elements from a first location to a second location (col 6 lines 9-36, col 9 lines 1-25 and figures 3-4). The joint solidifies on cooling. The ring is circular. The ring is not placed fully within the female element and abuts the free edge (22) of the female element (figure 3). However, ring placement is not further disclosed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to place the ring around the male element by either bending the solder (brazing) material around the male element or directing the male element through the ring to facilitate formation of heat exchanger assemblies (Conn, col 9 lines 42-60).

Response to Arguments

7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshida et al. (JPN 58-212891 A), Desilets et al. (USPN 4527819), Larson (USPN 3584372), Broodman (USPN 4066861), Belicic (USPN 3968982) and Lack et al. (USPN 6264062 B1).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (703) 306-5699. The examiner can normally be reached on M-F from 7-4 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7118 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Lynne Edmondson
Examiner
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LRE
April 2, 2002


TOM DUNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700